

STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT

State/Territory: MINNESOTA

ELIGIBILITY CONDITIONS AND REQUIREMENTS

**Process for the Investigation of Allegations of Resident Neglect and Abuse
and Misappropriation of Resident Property**

The State has in effect the following process for the receipt and timely review and investigation of allegations of neglect and abuse and misappropriation of resident property by a nurse aide or a resident in a nursing facility or by another individual used by the facility in providing services to such a resident.

Allegations of neglect, abuse and misappropriation of property are reported to the Minnesota Office of Health Facility Complaints. The Office's staff investigate allegations through on-site visits and interviews with residents, family and staff to make ~~a determination~~ determinations.

If ~~the allegation~~ allegations are substantiated, Minnesota ~~state~~ law sets forth a procedure to permit the ~~nursing assistant~~ nurse aide to appeal the determination. The ~~nursing assistant~~ nurse aide is notified of the determination by certified mail and has 30 days to file an appeal. If an appeal is filed, a hearing is conducted by ~~the Minnesota Office~~ a Department of Administrative Hearings ~~Human Services appeals referee~~. ~~The hearing must be held within 60 days of the appeal.~~ The ~~Office of Administrative Hearings~~ appeals referee issues a report to the commissioner of Health, who makes the final determination. A copy of the determination is mailed to the ~~nursing assistant~~ nurse aide. If the Department's findings of abuse, neglect or misappropriation of property are upheld, ~~notice this information is given to~~ placed in the ~~Nursing Assistant~~ Nurse Aide Registry.

If the ~~nursing assistant~~ nurse aide chooses not to appeal the department's findings, the ~~Nursing Assistant~~ Nurse Aide Registry is notified immediately.

Pursuant to §1919(g)(1)(D) of the Act, if there is a finding of neglect, the Department must permit the nurse aide to petition to have his or her name removed from the Nurse Aide Registry upon a Department determination that the employment and personal history of the individual does not reflect a pattern of abusive behavior or neglect, and the neglect involved in the original finding was a singular occurrence. However, such a determination may not be made before the expiration of the one-year period beginning on the date on which the name of the individual was added to the Nurse Aide Registry due to neglect, abuse or misappropriation of resident property.